

### **REMARKS/ARGUMENTS**

The Official Action confirms that Claims 1-35, 37, 38 and 40 have been allowed. The Official Action rejects, however, Claim 36, 39 and 41 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,823,357 to William L. Casey. Although Applicants do not agree with the rejection of Claims 36, 39 and 41, Claims 36 and 41 are hereby cancelled in order to advance the application to allowance in the most expeditious manner. As described below, the only remaining claim that has been rejected, i.e., Claim 39, has been amended to further patentably distinguish the claimed invention from the Casey '357 patent.

Of the claims that have been allowed, independent Claims 26 and 33 and dependent Claims 34 and 35 are also hereby amended in order to further clarify the claimed invention, although Applicant submit that the claims are still in condition for allowance. In this regard, Claim 26 is amended to correct an error introduced by a prior Amendment. In this regard, a prior Amendment added the recitation that "R-M is greater than or equal to 2." As described by the present application and in a manner consistent with Claim 26's recitation of "M-R dichroic filters", the added recitation "R-M is greater than or equal to 2" should actually recite and has now been amended to recite "M-R is greater than or equal to 2." Additionally, the recitation that previously recited that "M" was an integer that was greater than or equal to 2 has now also been amended to recite that "M" is greater than 2 in order to be consistent with the relationships that "M and R" are both positive integers and that "M-R" is greater than or equal to 2. Applicants note that comparable amendments were made in a prior Amendment in conjunction with Claims 25 and 31 to address a similar situation in which there was a logical impossibility that M could equal 2.

Independent Claim 33 has also been amended to more clearly recite the claimed invention by reciting that the M x P collimated laser beams are coupled into an optical fiber to produce a high energy beam. As a result of the amendment to independent Claim 33, dependent Claims 34 and 35 have been similarly amended so as to be consistent therewith. As noted above, the amendments to independent Claims 26 and 33 and dependent Claims 34 and 35 are

introduced to more clearly define the claimed invention and Applicants submit that these claims continue to be in condition for allowance as noted by the Official Action.

Additionally, Claims 37 and 40 have been amended to correct typographical errors. Applicants submit that the amendments to Claims 37 and 40 are not narrowing and are not substantially related to patentability as the amendments merely address minor typographical errors. Moreover, Applicants submit that Claims 37 and 40 remain in condition for allowance, as previously indicated by the Official Action.

As to the sole remaining claim that stands rejected, that is, Claim 39, amendments are introduced hereby that are identical to comparable recitations set forth by Claim 26, which has previously been allowed. In this regard, independent Claim 39 is amended to recite that the laser diode system includes two or more filter means since the quantity  $M-R$  is defined to be greater than or equal to 2. Additionally, the number of laser beams as well as the differential  $R$  between the number of laser beams and the number of filter means are both positive integers of 2 or more. Thus, the minimum number of filter means would be 2 (since  $R$  is greater than or equal to 2) and the minimum number of laser beams  $M$  would be 4 (since  $M-R$  is greater than or equal to 2).


Applicants submit that the diode laser system of independent Claim 39 is not taught or suggested by the Casey '357 patent for at least the same reasons as independent Claim 26, which has been previously allowed. Additionally, Applicants note that the diode laser system of independent Claim 39 include fiber coupling means which is also not taught or suggested by the Casey '357 patent. As noted by the Amendment dated September 21, 2001, the Casey '357 patent is directed to the generation of optical signals for free space laser communications systems and does not rely upon or suggest that optical fibers could be utilized to route the optical signals. For this additional reason, Applicants further submit that amended independent Claim 39 is not taught or suggested by the Casey '357 patent.

CONCLUSION

In view of the amendments and the remarks presented above, it is respectfully submitted that all of the claims that the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

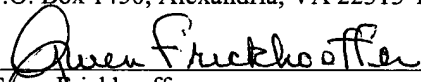


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